



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
034,155	4/27/79	Robert E. Fischell	SPL53

Robert E. Archibald
Applied Physics Laboratories,
John Hopkins Road
Laurel, Maryland 20810

EXAMINER	
F. Jaworski	
ART UNIT	PAPER NUMBER
35	33

MAILED

JUN 29 1982

GROUP 330

This is a communication from the examiner in charge of your application.

COMMISSIONER OF PATENTS AND TRADEMARKS

1. ☒ THIS IS AN ATTACHMENT TO THE NOTICE OF ALLOWANCE AND BASE ISSUE FEE DUE, PTOL-85.
2. ☒ All the claims being allowable, PROSECUTION ON THE MERITS IS CLOSED in this application. If not attached hereto, a Notice of Allowance or other appropriate communication will be sent in due course.
 - A. ☐ Note the attached PTO-152, Notice of Informality, which indicates that the declaration (or oath) is deficient and that a substitute is required. The substitute declaration (or oath) MUST BE SUBMITTED WITHIN THE THREE MONTH STATUTORY PERIOD SET FOR PAYMENT OF THE BASE ISSUE FEE IN THE "NOTICE OF ALLOWANCE AND BASE ISSUE FEE DUE" (PTOL-85), preferably with and attached to the base issue fee. Note that the statute does not permit extension of the three month period set for payment of the base issue fee. Failure to timely file the substitute declaration (or oath) will result in ABANDONMENT of the application. The transmittal letter accompanying the declaration (or oath) should indicate the following in the upper right hand corner:
Issue Batch Number; Date of the Notice of Allowance, and Serial Number.
 - B. ☐ Formal drawings are now required and MUST BE SUBMITTED WITHIN THE THREE MONTH STATUTORY PERIOD SET FOR PAYMENT OF THE BASE ISSUE FEE IN THE "NOTICE OF ALLOWANCE AND BASE ISSUE FEE DUE" (PTOL-85). Note that the statute does not permit extension of the three month period set to pay the base issue fee. Failure to timely submit the drawings will result in ABANDONMENT of the application. The drawings should be submitted as a separate paper with a transmittal letter which is addressed to the Official Draftsman and which indicates the following in the upper right hand corner:
Issue Batch Number; Date of the Notice of Allowance, and Serial Number.
 - C. ☒ The claims are allowed in view of:
 - a. ☐ Applicant's communication filed 5-10-82
 - b. ☒ The interview summarized on the attached EXAMINER INTERVIEW SUMMARY RECORD, PTOL-413.
 - c. ☒ The attached Examiner's Amendment. Should the changes and/or additions be unacceptable to applicant, an appropriate amendment may be proposed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted before, or with, payment of the Base Issue Fee.
 - d. ☐ An Examiner's Amendment which will follow in due course.
 - D. ☒ The allowed claims are 85-726
3. ☐ Note the attached Examiner's Statement of Reasons for Allowance. Any comments considered necessary by applicant regarding the reasons for allowance must be submitted no later than the payment of the Base Issue Fee, preferably with it, to avoid processing delays. Such submissions should be clearly labeled, "Comments on Statement of Reasons for Allowance".
4. ☐ Note attached NOTICE OF REFERENCES CITED, PTO-892, which is part of this communication. The listed references are considered to be pertinent to the claimed invention, but the claims are deemed to be patentable thereover.
5. ☐ Note attached LIST OF ART CITED BY APPLICANT, PTO-1449, which is part of this communication and serves as an acknowledgment of receipt of applicant's prior art statement. The references which were considered have been initialed on the form by the examiner, and the claims are deemed patentable thereover.
6. ☐ The drawings filed on _____ are acceptable as filed. ☐ are acceptable subject to correction as indicated on the attached Notice re Drawings, PTO-948. In order to avoid ABANDONMENT of this application, correction is required. Corrections can only be made in accordance with the instructions set forth in the attached letter "INFORMATION ON HOW TO EFFECT DRAWING CHANGES", PTO-1474.
7. ☐ The ☐ proposed drawing correction and/or the ☐ proposed additional or substitute sheet(s) of drawings filed on _____ has (have) been approved by the examiner. Applicant is reminded that in order to avoid abandonment of this applicant, execution of the proposed changes or submission of additional or substitute drawings MUST be made in accordance with the instructions set forth in the letter, "INFORMATION ON HOW TO EFFECT DRAWING CHANGES", PTO-1474, attached to Paper No. _____.
8. ☒ The proposed drawing correction, filed June 26, 1981, has been approved. However, the Patent and Trademark Office no longer makes drawing changes. It is now applicant's responsibility to ensure that the drawings are corrected. Corrections are required and MUST be effected in accordance with the instructions set forth on the attached letter "INFORMATION ON HOW TO EFFECT DRAWING CHANGES", PTO-1474.
9. ☐ In order to avoid ABANDONMENT, the drawing informalities noted on the Notice re Drawing, PTO-948, attached to Paper No. _____, must now be corrected. Applicant is reminded that the corrections can only be made in accordance with the instructions set forth in the letter "INFORMATION ON HOW TO EFFECT DRAWING CHANGES", PTO-1474, attached to the PTO-948.
10. ☐ Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has; ☐ been received. ☐ not been received.
☐ been filed in parent application, Serial No. _____ filed on _____.


**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

 Address : COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

**NOTICE OF ALLOWANCE
AND BASE ISSUE FEE DUE**

 ROBERT E. ARCHIBALD,
APPLIED PHYSICS LABORATORIES,
JOHN HOPKINS ROAD,
LAUREL, MD. 20810

All communications regarding this application should give the serial number, date of filing, name of applicant, and batch number.

Please direct all communications to the Attention of "OFFICE OF PUBLICATIONS" unless advised to the contrary.

 The application identified below has been examined and found allowable for issuance of Letters Patent. PROSECUTION ON THE MERITS IS CLOSED.

	SC/SERIAL NO.	FILING DATE	TOTAL CLAIMS	DATE MAILED	EXAMINER AND GROUP ART UNIT
	06/034,155	04/27/79	642	06/29/82	JAWORSKI, F 335
First Named Applicant	FISCHELL		ROBERT E.		

 TITLE OF INVENTION
(This may have been amended by Exam)
IMPLANTABLE, PROGRAMMABLE MEDICATION INFUSION SYSTEM

BASE FEE COMPUTATION	BASE FEE DUE	ATTY'S DOCKET NO.	CLASS - SUBCLASS	BATCH NO.
\$100 + 10 (for dwg. @ \$2 per sheet) + \$10 = 120	120	SPL53	12B-260.000	L32

The complete Issue Fee is one hundred dollars (\$100) plus two dollars (\$2) for each sheet of drawing, plus ten dollars (\$10) for each printed page of specification (including claims) or portion thereof. Inasmuch as the final number of printed pages cannot be determined in advance of printing, an initial **BASE ISSUE FEE** (consisting of the fee for printing the first page of specification (\$10) plus the fee of (\$2) for each sheet of drawing, added to the fee of \$100) **MUST BE PAID WITHIN THREE MONTHS FROM THE DATE OF THIS NOTICE**, or the application shall be regarded as ABANDONED. The Base Issue Fee will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the Patent and Trademark Office.

In order to minimize delays in the issuance of a patent based on this application, this Notice may have been mailed prior to completion of final processing by the Examining Group. It is recognized that the nature and/or extent of the remaining revision or processing requirements may cause slight delays in the printing of the patent. In addition, if prosecution is to be reopened, this Notice of Allowance will be vacated and the appropriate Office action will follow in due course. If the base issue fee has already been paid and prosecution is reopened, the applicant may request a refund or request that the fee be credited to a Deposit Account. However, applicant may wait until the application is either found allowable or held abandoned. If allowed, upon receipt of a new Notice of Allowance, applicant may request that the previously submitted base issue fee be applied. If abandoned, applicant may request refund or credit to a Deposit Account.

In the case of each patent issuing without an assignment, the complete post office address of the inventor(s) will be printed in the patent heading and in the Official Gazette. If the inventor's address is now different from the address which appears in the application, please fill in the information in the spaces provided on PTOL-85c enclosed. If there are address changes for more than two inventors, enter the additional addresses on the reverse side of the PTOL-85c.

The appropriate spaces in the ASSIGNMENT DATA section of PTOL-85b must be completed in all cases. If it is desired to have the patent issue to an assignee, an assignment must have been previously submitted to the Patent and Trademark Office or must be submitted herewith as required by 37 C.F.R. 1.334. Where there is an assignment, the assignee's name and address must be provided on the PTOL-85b to insure its inclusion in the printed patent.

Advance orders for 10 or more printed copies of the prospective patent can be made by completing the information in Section 4 of PTOL-85b and submitting payment therewith. If use of a Deposit Account is being authorized for payment, PTOL-85c should also be forwarded. The order must be for at least 10 copies and must accompany the issue fee. The copies ordered will be sent only to the address specified in section 1 or 1A of PTOL-85b.

If an additional fee is due, a Notice of Balance of Issue Fee Due will be mailed together with the patentee's copy of the patent. Payment must be made within three months from the date shown on said Notice since **FAILURE TO PAY THIS BALANCE WITHIN THE SPECIFIED PERIOD WILL RESULT IN LAPSE OF THE PATENT.**

☐ Note attached communication from Examiner.

☐ This notice is issued in view of applicant's communication filed

IMPORTANT

ATTENTION IS DIRECTED TO 37 C.F.R. 1.334

 THE PATENT WILL ISSUE TO APPLICANT
UNLESS AN ASSIGNEE IS SHOWN IN
ITEM 3 ON FORM PTOL-85b, ATTACHED

PATENT AND TRADEMARK OFFICE COPY

Art Unit 335

1. The following is an Examiner's Amendment to the record. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the Base Issue Fee.

The following changes have been entered pursuant to a telephone conversation on June 23, 1982 with Robert Archibald, Reg. No. 20,934, attorney-of-record in this case.

Claim 204, line 6 after "including",
--means-- added.

Claim 271 (Amended), line 4 "delivery"
changed to --detecting--.

Claim 350 line 2 after "coupling" --each of--
added.

Claim 364, line 2 after "354", --,-- added.

Claim 385, line 3 after "said" (at end of
line) added, programmable input

corresponding to said --, and in line 4 after

"rate" added --recorded by said second

recited storing means--.

Claim 404, line 2 after "305" added --,--.

Claim 407, line 2 after "406" added --,--.

Serial Number 034,155

-3-

Art Unit 335

Claim 412, line 2 after "body" --of a patient-- added.

Claim 418, line 7 "unit" changed to --units--.

Claims 487 and 592 line 5 "pumping" (2d occurrence) to --pump--.

Claim 559, line 5 "value" to --valve--.

Claim 566, line 2 after "565", --,-- added.

Claim 577, line 10 before "said" (2d occurrence) --corresponding-- added.

Claim 607, line 3 "number" to --numbers--.

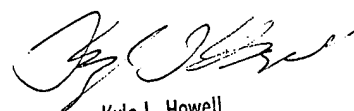
Claim 618, line 3 "reservoir" to --medication--.

Claim 681, line 2 before "remotely" --at least one-- added.

F. Jaworski/mb

703-557-3144

6/24/82



Kyle L. Howell
SPE
Art Unit 335